

Atty. Docket No. LEC01 P427

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CERTIFICATE OF MAILING

I hereby certify that this paper, together with all enclosures identified herein, are being deposited with the United States Postal Service as first class mail, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date indicated below.

August 29, 2005
Date

Dana A. Lozon
Dana A. Lozon

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1743
Examiner : Natalia A. Levkovich
Applicant : Joel C. Mitchell
Serial No. : 10/780,940
Filing Date : February 18, 2004
Confirmation No. : 2291
For : ANALYZER WITH VARIABLE VOLUME BALLAST CHAMBER AND
METHOD OF ANALYSIS

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant hereby appeals to the Board from the decision of the Primary Examiner mailed June 2, 2005, finally rejecting claims 1-9 and 26-35.

The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of:

☒ other than a small entity
☐ small entity

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 35 U.S.C. §41(a)(6) the fee for filing the Notice of Appeal is:

☐ small entity \$250.00
☒ other than a small entity \$500.00

Notice of Appeal fee due: \$500.00

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3. EXTENSION OF TIME

Applicant does not believe a request for extension of time is necessary.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee: \$500.00
Extension fee (if any): \$ 0.00

Total Fee Due: \$500.00

5. FEE PAYMENT

X Attached is a check in the sum of \$500.00

Charge Account No. 16 2463 the sum of \$
A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

X If any additional extension and/or fee is required charge Account No. 16 2463.
A duplicate copy of this transmittal is enclosed.

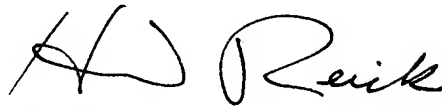
Respectfully submitted,

JOEL C. MITCHELL

By: Price, Heneveld, Cooper,
DeWitt & Litton, LLP

August 29, 2005

Date



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HWR:dal